

**IN UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

AVERY DENNISON CORPORATION,	)	
	)	Civil Action No. 1:08-cv-00795
Plaintiff,	)	
	)	JUDGE KATHLEEN M. O'MALLEY
v.	)	
	)	
ALIEN TECHNOLOGY CORP.,	)	
	)	
Defendant.	)	

**MOTION TO DISQUALIFY ROGER STEWART FROM SERVING AS AN EXPERT  
FOR PLAINTIFF**

Without waiving its objection to personal jurisdiction and venue in this Court, Alien Technology Corporation (“Alien”) moves this Court for an Order disqualifying Roger Stewart from continuing to serve as a consulting or testifying expert for Plaintiff Avery Dennison Corporation (“Plaintiff”) and requiring that all documents and communications exchanged by Plaintiff and Mr. Stewart be preserved. Roger Stewart was Alien’s chief technology officer from 1999 through 2002, and an inventor of the RFID micro chip assembly or “strap” that is at the heart of the Patents on which Plaintiff’s infringement claims are based. Mr. Stewart worked regularly and closely with Alien’s counsel to devise and implement Alien’s intellectual property strategy, possesses confidential information of Alien, and he is likely to be a fact witness in this case.

For the reasons more fully set forth in the attached Memorandum, this Court should exercise its authority under Rule 1 of the Federal Rules of Civil Procedure and ¶ 13(c) of the Protective Order, to bar Mr. Stewart's continued service as an expert for Avery and to require that all documents and communications between them be preserved for discovery.

Respectfully submitted,

/s/ Michael J. Garvin

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## **CERTIFICATE OF SERVICE**

I hereby certify that on September 19, 2008, a copy of the foregoing Motion To Disqualify Roger Stewart From Serving As An Expert For Plaintiff was served upon the following individuals by email (as agreed by the parties):

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